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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,218	06/24/2003	Kenneth M. Kiely	302-211-27-1-1	4300
7590		04/19/2004	EXAMINER	
Melvin I. Stoltz, Esq.		ESTRADA, ANGEL R		
51 Cherry Street		ART UNIT		
Milford, CT 06460		PAPER NUMBER		
		2831		
DATE MAILED: 04/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,218

Applicant(s)

KIELY, KENNETH M.

Examiner

Angel R. Estrada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shotey et al (US 5,965,846; hereinafter Shotey) in view of Kitagawa (US 5,243, 130).

Regarding claim 1, Shotey discloses an electrical box (21) constructed for receiving one or more cable/conduit connectors (see figure 3) constructed for securing an electrical cable and/or conduit to the box (21), said electrical box (21) comprising: a housing defining an interior zone formed by a plurality of cooperating wall members (see figure 3) and constructed for receiving and securely retaining an electrical cable/conduit connector therewith (see figure 3); but Shotey lacks indicia formed on at least one interior surface of one of the wall members of the housing. Kitagawa teaches a housing (10) defining an interior zone formed by a plurality of wall members with indicia (14a, 14b or 5) formed on at least one interior surface of one of said wall members of the housing, with said indicia being constructed for providing information regarding the electrical circuit or equipment to which the electrical cable/conduit mounted to the housing is connected (column 4 lines 19-22 or column 3 lines 16-19); said indicia (14a, 14b or 5) being visible after installation of the electrical box, providing

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the user with pertinent information regarding the electrical cable and the connections associated therewith (see figures 1 and 2). It would have been obvious to one of ordinary skill in the art the time the invention was made to make Shotey's housing with indicia on at least one interior surface of one of the wall members of the housing as taught by Kitagawa to provide the housing with identification means that will prevent incorrect electrical connections.

Regarding claim 2, Kitagawa teaches said indicia (14a, 14b and 5) being defined as comprising one selected from the group consisting of colors, design, logos, pictures and alpha-numeric designations (column 4 lines 49-52).

Regarding claim 3, the modified Shotey discloses the claimed invention except for said indicia being further defined as being formed on the entire interior surface of the wall member-of the component to which it is applied. It would have been an obvious matter of design choice to change the size of the indicia so that it covers the entire interior surface of the wall member, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re. Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 4, Kitagawa teaches the indicia (5, 14a, 14b) being formed on a portion of the interior surface of the wall member (see figure 3) of the component to which it is applied (see figure 3).

Regarding claim 5, Shotey discloses the electrical box (21), wherein the housing is further defined as comprising a closed end hollow rectangular shape incorporating a plurality of substantially flat, cooperating wall members (see figure 3), each having an inside surface and an outside surface, and a plurality of apertures (see figure 3) formed in said wall members enabling the securely affixation of electrical cable/conduits therein (see figure 3).

Regarding claim 6, Shotey discloses the electrical box (21), wherein said housing further comprises a plurality of removable plugs or plates (see figure 3) associated with the apertures for covering the apertures prior to use (see figure 3).

Regarding claim 7, Shotey discloses the electrical box (21), wherein each aperture (see figure 3) is constructed for enabling a cable/conduit connector to be telescopically inserted into the aperture and securely retained therein (see figure 3).

Regarding claim 8, Shotey discloses the electrical box (21) wherein said box comprises one selected from the group consisting of junction boxes, switch boxes, and outlet boxes (see figure 3).

Regarding claim 9, Kitagawa teaches said indicia (5, 14a, 14b) being readily identifiable and visually distinctive and comprises a first indicia (14a) formed on one portion of one interior wall surface of the housing (see figure 2) and a second indicia (14b) formed on a second portion of one interior wall surface of the housing (see figure 2).

Regarding claim 10, Kitagawa teaches said first indicia (14a) and said second indicia (14b) are identical (see figure 3).

Regarding claim 11, Kitagawa teaches said first indicia (14a) being visually distinguishable (column 4 lines 49 -52) from said second indicia (14b).

Regarding claim 12, Kitagawa teaches said first indicia (14a) being formed partially covering at least one inside wall surface (see figure 2).

Regarding claim 13, the modified Shotey discloses the claimed invention except for the first indicia (14a) being formed covering at least one inside wall surface in its entirety. It would have been an obvious matter of design choice to change the size of the indicia so that it covers the entire interior surface of the wall member, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re. Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 16, Kitagawa teaches the first indicia (14a) and the second indicia (14b) being formed on the same interior wall surface (see figure 2).

Regarding claim 17, Kitagawa teaches the first indicia (14a) and the second indicia (14b) being formed on different interior wall surface (see figure 2).

2. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shotey et al (US 5,965,846; hereinafter Shotey) in view of Kitagawa (US 5,243, 130) as applied in claim 9, and further in view of Barna (US 5,775,935).

Regarding claim 14, the modified Shotey discloses the claimed invention except for the second indicia being formed partially covering at least one outside wall surface. Barna teaches an electrical box (10) having indicia (44a, 44b and 44c) formed partially

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covering at least one outside wall surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Shotey's box with indicia in on the outside wall surface as taught Barna to provide the box with identification means on the outside wall.

Regarding claim 15, the modified Shotey discloses the claimed invention except for the second indicia completely covering at least one outside wall surface. Barna teaches an electrical box (10) having indicia (44a, 44b and 44c) that completely cover an outside wall surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide to the modified Shotey's box with a second indicia that completely covers an outside wall surface as taught Barna to provide the box with identification means on the outside wall.

Response to Arguments

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication should be directed to Angel R. Estrada at telephone number (571) 272-1973. The Examiner can normally be reached on Monday-Friday (8:30 -5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (571) 272-2800 ext 31. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956

Angel R. Estrada

March 29, 2004


CHAU N. NGUYEN
PRIMARY EXAMINER